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FACSIMILE TRANSMITTAL SHEET (TRANSMITTAL TO PTO)

Deliver to: Examiner Cornelius Jackson Art Unit: 2828
Firm Name: U.S. PATENT AND TRADEMARK OFFICE
Fax Number: (703) 872-9306 Telephone No.: _____
From: R. Alan Burnett
Date: February 11, 2004 Time: _____
Operator: Luci Arevalo Matter: Atty Docket: 42P14868
Number of pages including cover sheet: 17
In Re Patent Application of: Green et al.
Application No.: 09/626,526
Filed: July 27, 2000
For: METHOD AND APPARATUS FOR FILTERING AN OPTICAL BEAM
Enclosed are the following documents: 1) Petition to Accept Papers as Timely Filed; 2) copy of Return Postcard; 3) copy of Patent Application Ser. No. 09/626,526 Response filed October 31, 2003 to Office Action mailed August 5, 2003.

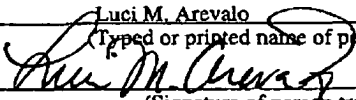
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Examiner Cornelius Jackson, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on

Date of Transmission February 11, 2004

Luci M. Arevalo

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(Rev. 11/23/97)

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Attorney Docket No.: 42P14868

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GREEN et al.

Serial No.: 09/626,526

Filed: July 27, 2000

For: METHOD AND APPARATUS FOR
FILTERING AN OPTICAL BEAM

Examiner: Jackson, Cornelius

Art Unit: 2828

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450PETITION TO ACCEPT PAPERS AS TIMELY FILED

Dear Sir:

In response to the Office Action mailed August 5, 2003 Applicants respectfully request that the Patent and Trademark Office (the Office) accept the response timely filed on October 31, 2003.

Applicants assert as follows:

1. Applicants received an Office Action mailed August 5, 2003.
2. On October 31, 2003, Applicants filed a response (the Response, copy attached), to the Office Action, well before November 5, 2003, the final day of the three-month statutory period for response set forth in the Office Action.
3. Applicants received a return postcard (the Postcard, copy attached) stamped to indicate that the Office received the items listed thereon, including the Response, on November 3, 2003.

Atty. Docket No. 42P14868
Serial No. 09/626,526

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Examiner: Jackson, Cornelius
Art No. 2828

4. On February 11, 2004 we were advised by the Examiner that a Response to the August 5, 2003, Office Action had not yet been received.
5. The Postcard is prima facie evidence that the Office received the Response on November 3, 2003 (see, Manual of Patent Examining Procedure §503), and thus Applicants timely filed a proper reply to the August 5, 2003 Office Action.


In light of the foregoing, Applicants respectfully request that the Office accept the Response as timely filed and not charge any extension fees. The Office is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account Number 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: Feb 11, 2004


R. Alan Burnett
Reg. No. 46,149

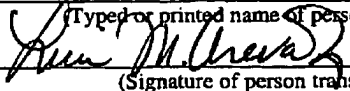
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